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S/N 10/526858

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Hidaka et al.	Examiner:	Shirley V. Gembeh
Serial No.:	10/526858	Group Art Unit:	1614
Filed:	March 2, 2005	Docket No.:	08279.0829USWO
Title:	PHARMACEUTICAL COMPOSITION AND METHOD FOR TREATING MALIGNANT TUMOR AND UTILIZATION THEREOF		

CERTIFICATE UNDER 37 CFR 1.6(d):

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on July 12, 2007.

By: 

Name: Tracy Kimmel

NOTICE OF APPEAL FROM THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 41.31, Applicant(s) hereby appeal to the Board of Patent Appeals and Interferences from the final rejection of claims 1-4, 9, 15, 16 and 27 in the above-identified application, as set forth in the Office Action mailed January 12, 2007. Applicants further respectfully note that an after-final Amendment was filed June 12, 2007, in which a response from the Examiner has not yet been issued. Per telephone discussions with the Examiner, Applicants' representatives have been told that finality of the rejection would be withdrawn and that a new action would be issued. Applicants have not received confirmation of the new action and file this Notice of Appeal to at least maintain pendency of the case.

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Examiner:

Title: PHARMACEUTICAL COMPOSITION AND METHOD FOR TREATING MALIGNANT TUMOR AND UTILIZATION THEREOF

Please charge Deposit Account No. 50-3478 in the amount of \$500.00 to cover the required fee for filing the Notice of Appeal as set forth under 37 C.F.R. § 41.20(b).

Also enclosed is a Petition for a 3-month extension of time to respond to the final rejection, thereby extending said period of response from April 12, 2007 to July 12, 2007.

In the Petition, authorization has been given to charge Deposit Account No. 50-3478 in the amount of \$570.00 to cover the required extension fee for a large entity.

Please charge any additional fees or credit any overpayment to Deposit Account No. 50-3478.

52835

PATENT TRADEMARK OFFICE

Dated: July 12, 2007

Respectfully submitted,

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